

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	CASE #: 7:23-MJ-07071-KPB
)	
v.)	HON. KIM P. BERG
)	
ANTHONY BIANCHI)	AFFIDAVIT OF ERIK D. MITCHELL

State of New York

County of Orange

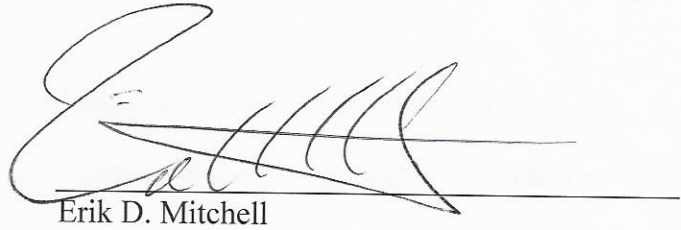
The undersigned affiant, Erik D. Mitchell, being duly sworn, hereby deposes and says:

1. To my knowledge, all of the facts stated in this affidavit are true and correct.
2. I am over 18 years of age. I reside at 70A Schofield Place, West Point, NY 10996. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit.
3. I am currently serving as a Deputy to the Garrison Commander at the United States Army Garrison ("USAG"), at West Point, New York.
4. This affidavit supplements and clarifies the sworn statement provided to the United States Army Criminal Investigation Division, Traffic Management and Collision Investigation, USAG, at West Point, dated July 26, 2023, related to several incidents involving the Garrison Commander, Colonel Anthony J. Bianchi ("COL Bianchi").

5. Regarding my state of mind after speaking with Lieutenant Colonel Miguel Sanchez ("LTC Sanchez") at 1:49 a.m., I understood there to be a sense of urgency at COL Bianchi's house given LTC Sanchez' statement that the "MPs [Military Police ("MPs")] were Surrounding the house". I also thought the situation was volatile due to LTC Sanchez's statements suggesting that COL Bianchi had escaped in a car chase, that the "MPs lost him at Ruger Road", and that "he refuses to come out [of his house]".
6. Upon arriving at COL Bianchi's house at approximately 2:05 a.m., Command Sergeant Major Michel R. Fraser ("CSM Fraser") and I huddled with several MPs (LTC Sanchez, Major Gary Beaumont ("MAJ Beaumont"), and several other MPs). I recall stating directly to both LTC Sanchez and MAJ Beaumont that this entire process needed to be 'by the book', and they assured me that it would be done in that manner. CSM Fraser and I separated for a brief period. I believe she was speaking with LTC Sanchez and Sergeant Major Antonio L. Gonzalez ("SGM Gonzalez"). I remained with MAJ Beaumont and, to the best of my recollection, discussed certain events that had occurred earlier that evening at Ike Hall.
7. We gathered again as a group shortly thereafter. The group included LTC Sanchez, MAJ Beaumont, SGM Gonzalez, CSM Frasier, and me. I don't recall who said it, but words were said to the effect, "We are going into the house regardless. It would be better if you two got him out." Inferences were made that it would be less embarrassing to COL Bianchi and prevent escalation. It was my understanding at that time that CSM Fraser and I were acting as part of a team, under the direction of the MPs, seeking to de-escalate a situation and ensure the safety of COL Bianchi.

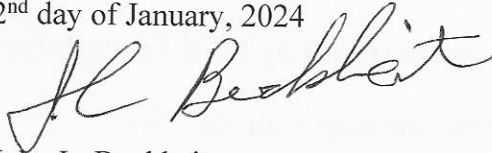
8. At this time, CSM Fraser and I went to the back door of COL Bianchi's residence and entered the residence. When we eventually awoke COL Bianchi after knocking on his bedroom door on the 2nd floor of his house, CSM Fraser did most of the talking. I was anticipating the other adult male I knew to be in the home to present himself and potentially complicate the situation. However, this did not occur. I do not recall the exact words spoken by CSM Fraser. When I did speak, I encouraged COL Bianchi to come downstairs and meet with the MPs.
9. It was my belief at the time of the incident that COL Bianchi was going to be arrested that evening. This was based on several statements made to me that evening by LTC Sanchez before my arrival at COL Bianchi's house: that COL Bianchi had essentially bypassed the gate and evaded MPs and that the MPs were going into the home if CSM Fraser and I were unsuccessful.
10. When COL Bianchi arrived outside of his house, I saw that the senior MPs (LTC Sanchez, MAJ Beaumont, and SGM Gonzolez) were in the background with a junior MP standing next to his squad car. It was clear to me that any discussion with COL Bianchi about the gate, driving a Government vehicle, or evading the MPs would occur at the MP station.
11. Regarding security gate operations while in a Government vehicle with either the CSM (E-9 rank insignia) or GC (Colonel rank insignia) placard on the front dash (visible through the windshield), though in violation of the Garrison Access Control Policy, it was not uncommon for a Gate Guard to recognize the placard and visually identify either the Garrison Commander or the Command Sergeant Major and wave them through. This occurred several times as a passenger over the past three years.

Warwick, New York
January 2, 2024



Erik D. Mitchell

Sworn to before me this
2nd day of January, 2024



John L. Buckheit
Notary Public of the State of New York
No.: 02BU5044290
Qualified in Orange County
Commission Expires May 31, 2027